

**ZB# 74-1**

**Patrick & Barbara Kane**

**(no SBL given)**

74-1 Kane, Patrick & Barbara.

Public Hearing  
Jan. 7, 1974  
8 pm.

all fees paid

~~See D-14~~  
file

# GENERAL RECEIPT

Town of New Windsor, N. Y.

Nº 1784

Received of Greenblatt + Neuman, P.C. February 20, 1974  
Ten and no/100 \$ 10.00  
 For Application Variance No 74-1 Dollars  
 DISTRIBUTION

FUND	CODE	AMOUNT

WILLIAMSON LAW BOOK CO., ROCHESTER, N Y 14609

Town Clerk  
 TITLE  
 BY Julia M. Tuckoch (jr)

1607  
19

**PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33-A of the Zoning Ordinance on the following proposition:

Appeal No. 1  
Request of Patrick C. and Barbara A. Kane for a variance of the regulations of the Zoning Ordinance to permit variation of a sideyard being a Variance of Article IV, Section 48-14 (A) for property owned by him situated as follows: 12 Hilltop Drive, New Windsor, N.Y.

SAID HEARING will take place on the 17th day of January, 1974, at the Town of New Windsor, New York, at the Town Hall, 155 Union Avenue, New Windsor, N.Y. beginning at 1:00 o'clock P.M.

**FRED WYGANT**  
Chairman

By: Patricia DeLo, Secy

Dec-28

**State of New York  
County of Orange, ss:**

Olga Trachewsky, being duly sworn deposes and says that ~~he~~<sup>she</sup> is .....Principal..... Clerk..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published .....  
December 28, 1973

in said newspaper, commencing on the.....28th.....day of  
December.....A.D., 1973, and ending on  
the .....28th..... day of .....December..... A.D., 1973

Subscribed and sworn to before me this  
.....28th..... day of December.. 1973....

*Olga Trachewsky*

*Notary Public*

Notary Public of the State of New York, County of Orange.  
MY COMMISSION EXPIRES MARCH 30, 1975

7 Franklin Avenue  
New Windsor, N. Y.  
January 22, 1974

Alan Axelrod, Esq.  
Greenblatt & Neuman P.C.  
369 Fullerton Avenue  
Newburgh, N. Y. 12550

RE: PATRICK & BARBARA KANE  
Application for Variance No. 74-1

Dear Mr. Axelrod:

Please be advised that the above variance has  
been granted by the following motion:

Motion to approve a 5 ft. sideyard variance with  
the stipulation that the height of the existing chimney in  
the fireplace be increased by 3 feet.

Thank you.

Yours truly,

FRED WYGANT,  
Chairman

/F'

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 74-1  
Date: December 6, 1973

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Patrick C. and Barbara A. Kane of 12 Hilltop Drive  
(Street & Number)  
New Windsor New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property 12 Hilltop Drive  
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article IV, Section 48-14 (A)
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Applicants applied for and received a minor building permit dated April 7, 1971 permitting conversion of a garage to a playroom and construction of a barbecue pit. Applicants constructed a fireplace instead of a barbecue pit and, since the Building Inspector never appeared during the construction, there was no indication that such substitution was improper.
  2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicants would like to sell the property in question. The fireplace extends less than two feet from the end of the house so that even had it been constructed completely within the playroom, the difference with respect to the adjoining premises would be minimal. To require the applicants to remove the fireplace would cause irreparable harm to the house and also could only be done at a substantial expense.
  3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicants received a Minor Building Permit dated April 7, 1971 permitting conversion of a garage to a playroom and construction of a barbecue pit. Thus in substituting the fireplace for the barbecue pit applicants felt they were complying with the building permit.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The location of the fireplace within the playroom does not disturb the character of the neighborhood or result in distracting from the residential character of the neighborhood
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Applicants received the aforesaid building permit and at all times acted in a manner they thought complied with the law.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The fireplace is within the playroom and will be used by the residents to occasionally heat the room.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: December 6, 1973.

Patricia C. Kane  
Barbara A. Kane  
Signature of Applicant

STATE OF NEW YORK) SS.:  
COUNTY OF ORANGE)

Sworn to on this 10<sup>th</sup> day of December, 1973.

Marian P. Als Dorf  
MARIAN P. ALSDORF  
Notary Public, State of New York  
Residing in Orange County  
(Notary Public Commission expires March 30, 1974)

12 Hilltop Drive New Windsor, N.Y.  
Address  
565-8831  
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. \_\_\_\_\_

Date of Hearing \_\_\_\_\_

Date of Decision \_\_\_\_\_

DECISION:

Approved

Date Received \_\_\_\_\_

Notice Published \_\_\_\_\_

No. 3.....

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

APPLICATION FOR MINOR ALTERATIONS OR REPAIRS

Application is hereby made to make the following described alterations or repairs subject to the provisions of the Building Code, State of New York, and/or ordinances of the Town of New Windsor.

Patrick C Kane  
Applicant

Date 4/1....., 1971.....

Location 12 Hilltop Dr New Windsor.....

How occupied at present? Garage.....

How to be occupied after work is completed? Playroom.....

What is the estimated cost of work? \$ 400.00.....

PERMIT FOR MINOR ALTERATIONS OR REPAIRS TO BUILDING

Permit is hereby granted to:

Owner Patrick Kane.....

Address 12 Hilltop Dr.....

Contractor Owner.....

Address .....

to make the following repairs and/or alterations.

Convert garage to play room +  
Construct bar/bcne pit.

Approved by:

Howard P. C...  
Building Inspector

Compensation .....

Affidavit .....



PETER C. PATSALOS

COUNSELOR AT LAW

TELEPHONE 565-4480  
AREA CODE 914

476 BROADWAY  
NEWBURGH NEW YORK 12550

December 13, 1971

Greenblatt & Neuman, Esqs.  
369 Fullerton Avenue  
Newburgh, New York 12550

Att: Peter H. Neuman

Re: Mr. & Mrs. Michael Calli, 14 Hilltop Drive,  
New Windsor, New York

Dear Peter:

This is in response to your letter dated November 22, 1971, to my clients Mr. & Mrs. Michael Calli. Investigation on my part reveals that your clients, Mr. & Mrs. Kane, built an addition, consisting of a fireplace, in the Spring of 1970. This should have required a building permit, which was not applied for nor received. My information indicates that this type of structure would have required a variance to the zoning ordinance of the Town of New Windsor, since it violated the side yard setback and added to the non-confirmation of the pre-existing condition of the original side yard.

It is therefore, my conclusion, drawn on the aforementioned facts, that your clients are in violation of the zoning ordinance of the Town of New Windsor, and any use of this fireplace will be a continuing violation and subject to action on the part of my clients and/or the Town of New Windsor.

I would strongly urge you to suggest to your clients that no further use of this fireplace be had until the condition is corrected, since the smoke, when this fireplace is in use, permeates my client's home to their physical and mental detriment.

Very truly yours,

*Peter C. Patsalos*  
Peter C. Patsalos

PCP/np

GREENBLATT and NEUMAN, P. C.

Counselors at Law

369 FULLERTON AVENUE - P. O. BOX 2275

NEWBURGH, NEW YORK 1255

914 562-0500

Seymour Greenblatt  
Peter H. Neuman  
Aaron M. Greenblatt

January 26, 1972

Re: Patrick Kane

Mr. Howard R. Collett  
Superintendent of Buildings  
Building Department  
555 Union Avenue  
New Windsor, N. Y. 12550

Dear Mr. Collett:

This office represents Mr. Kane. We beg to differ with your order of January 17th. Mr. Kane built in accordance with a permit. The permit was dated April 7, 1971 and construction was in accordance with the permit. If there are any questions, may I suggest you contact this office.

Sincerely yours,

*Seymour Greenblatt*  
ka

Seymour Greenblatt

SG:KA

January 28, 1972

Seymour Greenblatt, Esq.  
Greenblatt and Neuman, Esqs.  
369 Fullerton Avenue, P.O. Box 2275  
Newburgh, New York 12550

Re: Patrick Kane

Dear Mr. Greenblatt:

This will acknowledge receipt of your letter of January 26th.

Mr. Kane came to my office and requested a permit to convert an existing garage to a playroom. He also requested permission to construct a barbecue pit.

A minor permit was issued on April 7th, 1971. However, the permit is issued subject to the ordinances of the Town of New Windsor. Had this barbecue pit or more realistic, a fireplace been constructed within the foundation lines of the building and not extended beyond the foundation to encroach on the sideyard, a violation of the sideyard would not exist.

Article IV 48-14A requires a minimum sideyard of 15 feet.

Very truly yours,

HOWARD R. COLLETT  
Building & Zoning Inspector

HRC/pd

Building Department

(CITY, TOWN OR VILLAGE) OF NEW WINDSOR 555 UNION AVE  
(Address and Telephone Number)

County of: ORANGE

## Order to Remedy Violation

Location 12 HILLTOP DRIVE

Mcp. No. \_\_\_\_\_ Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Date JAN 17 1972

TO PATRICK KANE  
(owner or authorized agent of owner)

12 HILLTOP DRIVE  
(address of owner or authorized agent of owner)

**PLEASE TAKE NOTICE** there exists a violation of:

The State Building Construction Code  
Zoning Ordinances ☒  
Other Applicable Laws, Ordinances or Regulations \_\_\_\_\_

at premises hereinafter described in that CONSTRUCTION OF FIRE PLACE  
(state character of violation)

WITHOUT PERMIT - ENCROACHMENT OF SIDE YARD  
USE OF THIS FIRE PLACE MUST BE DISCONTINUED IMMEDIATELY

in violation of 48-26 48-14 A  
(state section or paragraph of applicable law, ordinance or regulation)

**YOU ARE THEREFORE DIRECTED AND ORDERED** to comply with the law and to  
remedy the conditions above mentioned forthwith on or before the 27TH day of  
JANUARY 1972

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Covert  
Superintendent of Buildings

Calli's Home

Fence

Fireplace

Playroom  
Kane's Home

Hilltop Drive

PUBLIC NOTICE OF HEARING BEFORE  
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
Town of New Windsor, New York will hold a public hearing pursuant  
to Section 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. \_\_\_\_\_

Request of Patrick C. and Barbara A. Kane for a

Variance ~~Conditional Use Permit~~ of the regulations of  
the Zoning Ordinance, to permit variation of a side-  
(describe proposal)  
yard

being a Variance ~~Conditional Use Permit~~ of Article IV,

Section 48-14 (A), for property owned by him situated  
as follows: 12 Hilltop Drive, New Windsor, N. Y.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SAID HEARING will take place on the 7th day of January, 19 74,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:00 o'clock P. M.

s/ Fred Wygant

Chairman



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

December 5, 1973

Witschard, Willy & Vera  
59 Cedar Avenue  
New Windsor, New York 12550

Budney, Clifford J & Patricia M  
Veronica Avenue  
New Windsor, N.Y.12550

Ruscitti, Joseph  
22 Clintonwood Drive  
New Windsor, N.Y.12550

Budney, Louise A  
Veronica Avenue  
New Windsor, N.Y.12550

Costantino, John & Diane M  
10 Oakridge Drive  
New Windsor,N.Y.

Hauser, William J. & Margaret A.  
26 Hilltop Drive  
New Windsor, N.Y.12550

Westall, Myron & Gertrude  
24 Hilltop Drive  
New Windsor, N.Y.12550

Todd, George Henry & Mildred Elizabeth  
22 Hilltop Drive  
New Windsor, N.Y.12550

Alperovitz, Jerome & Jeanne L  
20 Hilltop Drive  
New Windsor, N.Y.12550

Perna, Frederick Joseph & Mary Ann  
18 Hilltop Drive  
New Windsor, N.Y.12550

Weyant, Thomas & Margaret M  
16 Hilltop Drive  
New Windsor,N.Y. 12550

Calli, Michael and Mary  
14 Hilltop Drive  
New Windsor, N.Y.12550

McDaniel, John Joseph Jr.&  
Marilyn B  
10 Hilltop Drive  
New Windsor, N.Y.12550

Hatfield, Robert E and Rita  
8 Hilltop Drive  
New Windsor, New York 12550

McNeely, James A and Margaret M  
6 Hilltop Drive  
New Windsor, N.Y.

Lodato, Anthony J Jr & Joan A  
4 Hilltop Drive  
New Windsor, N.Y.

Scalzo, Thomas Anthony & Marilyn  
Helene  
2 Hilltop Drive  
New Windsor, N.Y.12550

Burger,William J & Florence E  
70 Cedar Avenue  
New Windsor, N.Y.

Phillips,Charles & Madeline  
73 Cedar Avenue  
New Windsor, N.Y.

Lynch, James H & Edna M  
71 Cedar Avenue  
New Windsor, N.Y.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Page two

Farrenkopf, Joseph C  
69 Cedar Avenue  
New Windsor, N.Y. 12550

Orzechowski, Jean  
67 Cedar Avenue  
New Windsor, N.Y. 12550

Orzechowski, Henry and Susan  
65 Cedar Avenue  
New Windsor, N.Y.

McQuiston, Hubert A & Susanna R  
63 Cedar Avenue  
New Windsor, N.Y.

Raszcewski, Jean  
1 Hilltop Drive  
New Windsor, N.Y.

Impellitteri, Gerard T R &  
Marion M  
3 Hilltop Drive  
New Windsor, N.Y.

Tiso, Joseph & Margaret  
5 Hilltop Drive  
New Windsor, N.Y.

Gowdey, Kenneth & Jennie T  
7 Hilltop Drive  
New Windsor, N.Y.

McMillen, Miner F & Ann Marie  
9 Hilltop Drive  
New Windsor, N.Y.

Wright, Gerald S & Patricia A  
11 Hilltop Drive  
New Windsor, N.Y.

Caronia, Alfred & J Catherine M  
17 Windsor Drive  
New Windsor, N.Y.

Woodley, Charles F & Bernice H  
16 Windsor Drive  
New Windsor, New York

Babcock, George E & Jennie A  
15 Windsor Drive  
New Windsor, N.Y.

Haase, Bruce A & Dianne S  
14 Windsor Drive  
New Windsor, N.Y.

Clifford, Robert R & Mary B  
13 Windsor Drive  
New Windsor, N.Y.

Spano, Anthony J & Grace D  
12 Windsor Drive  
New Windsor, N.Y.

Lawlor, Francis Leo & Ruth A  
21 Windsor Drive  
New Windsor, N.Y.

Shapiro, Floyd Henry & Thelma  
20 Windsor Drive  
New Windsor, N.Y.

Grossholz, Charles R & Rose M  
19 Windsor Drive  
New Windsor, N.Y.

Paonessa, Anthony J & Carroll  
23 Sunset Drive  
New Windsor, N.Y.





1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Page three

Nucifore, Salvatore & Mary  
6 Sunset Drive  
New Windsor, N.Y.

Kaliniak, Arthur R & Viola A  
7 Sunset Drive  
New Windsor, N.Y.

Schloss, Martha  
8 Sunset Drive  
New Windsor, N.Y.

Harris, George J & Margaret E  
9 Sunset Drive  
New Windsor, N.Y.

Town of New Windsor Windsor Hwy  
New Windsor, N.Y.

Decker, Raymond C & Ruth  
15 Hilltop Drive  
New Windsor, N.Y.

McCutcheon, Dorothy M  
17 Hilltop Drive  
New Windsor, N.Y.

Cotton, Dewey B & Carol Ann  
19 Hilltop Drive  
New Windsor, N.Y.

Masciola, Phillip A & Lorraine  
21 Hilltop Drive  
New Windsor, N.Y.

Costello, Robert Emmett & Kathryn  
23 Hilltop Drive  
New Windsor, N.Y.

Parrone, Donald J & Heather  
26 Stonecrest Drive  
New Windsor, N.Y.

Webster, Howard E & Frances C  
32 Stonecrest Drive  
New Windsor, N.Y.

Mullarkey, John B & Patricia A  
35 Stonecrest Drive  
New Windsor, N.Y.

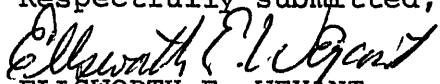
Nucifore, Joseph & Mary R  
31 Stonecrest Drive  
New Windsor, N.Y.

Halford, Robert W & Julia H  
3 Sunset Drive  
New Windsor, N.Y.

Hudson, William A & Mary C  
2 Sunset Drive  
New Windsor, N.Y.

Bondur, John T & Othelia F  
1 Sunset Drive  
New Windsor, N.Y.

Staples, Fred Howard & Smith, Marian  
4 Sunset Drive  
New Windsor, N.Y.

Respectfully submitted,  
  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor